## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA DANVILLE DIVISION

)
)
) Case No. 4:05cv00031
)
) ORDER
)
)
) By: Jackson L. Kiser
) Senior United States District Judge

On June 22, 2005, this Court entered an *Order* [7] referring this case to the Honorable B. Waugh Crigler, United States Magistrate Judge, for proposed findings of fact and recommended disposition. Magistrate Judge Crigler filed his *Report and Recommendation* [13] on November 15, 2005. After reviewing the record in this case, and because no objections to Magistrate Judge Crigler's *Report and Recommendation* were filed within ten (10) days of its service upon the parties, this Court adopts Magistrate Judge Crigler's *Report* in its entirety. Accordingly, it is this day **ADJUDGED** and **ORDERED** as follows:

- 1. The *Report and Recommendation* of the United States Magistrate Judge, filed November 15, 2005, shall be, and hereby is, **ADOPTED** in its entirety.
- 2. For the reasons stated in Magistrate Judge Crigler's *Report*, the Commissioner's final decision is **AFFIRMED**, judgment for the Defendant is **GRANTED**, and the case shall be **DISMISSED** from the docket of this Court.

3. The clerk is directed to strike this case from the active docket of this Court and to send certified copies of this *Order* to all counsel of record and to Magistrate Judge Crigler. ENTERED this 9<sup>th</sup> day of December, 2005.

s/Jackson L. Kiser
Senior United States District Judge